

Abandonment

The present response is accompanied by request to revive an unintentionally abandoned application.

Notice of Appeal

The present response is accompanied by a notice of appeal.

Claim Status

Claims 41, 43-44 and 46-56 remain pending in the application.

No amendments have been proposed by this response.

Claim Objections under 35 USC § 132

The amendments remain objected to under 35 U.S.C. 132, as it asserted they introduces new matter into the disclosure. It is asserted that Figures 6 and 7, and the description added on paragraphs 18-20 in the specification are not supported by the original disclosure.

More particularly, it is suggested that in the amendment filed May 3, 2006, new matter not supported by the original disclosure, as the original disclosure fails to teach the exact location of the brake release handle on a chain saw.

Additionally, it is asserted that the original disclosure fails to teach a chain saw that looks like the chain saw in Figs. 6-7, and fails to teach that the brake release handle is simply connected to the exterior of the housing of the chain saw by a single screw, as shown in Figs. 6-7.

As Applicant argued previously, there is no requirement that the original disclosure detail each and every aspect of the invention, particularly things well known to the art, such as the location of such things as the brake release handle on a chain saw.

The engineering of a chain saw handle for a particular chain saw is well within the capabilities of one of ordinary skill in the art, and numerous examples are provided in the art for locating a handle on a motor chain saw (see Schurr, patent number 4,683,660).

There is also no requirement that any particular drawing be depicted to look exactly as the prior art, so long as the disclosure is enabling.

It is further asserted that the original disclosure does not teach that the light source illuminating the chain saw in the manner as shown in Fig. 6. Again, this represents a mere design choice for an illuminated chain saw handle, not an imperative.

Nevertheless, to the extent that subject matter is otherwise allowed over the prior art in this application, Applicant agrees to amend the specification by introduction of an exemplary view showing attachment of the handle of the figures to the chain saw depicted in Schurr to in the instant application.

Rejection of Claims under 35 U.S.C. 103(a)

Claims 41, 43-44, 46-51, and 54-55 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Casas (2002/0054491 AI) in view of Overy et al. (4,335,514), hereinafter Overy, and in further view of Richards et al. (2004/0050188), hereinafter Richards.

Casas only teaches a motor chain saw 4 having a handle or a handguard attached to the housing of the motor chain saw 4. Casas does not teach that the handguard or handle comprises the light source (6 in Fig. 3 and paragraph 19 in Casas), and it is not clear from the drawings in Casas that the light source 6 is secured to a handguard or handle or some other structure in the chainsaw. (Fig. 2).

To the extent that the light source 6 of Casas is viewed as being secured to a handguard, it is not clear that this would also be functioning as the brake release.

Overy is cited as teaching that a handguard, similar to the handguard shown in Casas, can form part of a braking mechanism. To the extent that it could be said that a combination of teachings suggests attaching a light as in Casas to the brake release of Overy, the combination does not teach or suggest Applicants' invention.

By the invention of Claim 1, Applicants provide a motor chain saw where the brake release with the light source secured within the brake release handle and

adapted to emanate light from the front wall of an adapted brake release. This is not the mere attachment of an externally affixed light of Casas to a brake release handle of Overy, as the light source of the present invention is integrally formed within a brake release handle.

Richards teaches a light source 30 for a tool that is described as a portable sensor.

Richards is non-analogous art, as it does not describe a tool undergoing similar use and stresses to a chainsaw. Richards does not teach a tool that emanates light from the front wall of a structure that is otherwise utilized as a brake release.

Richards is cited strictly for a cover 62 that comprises a translucent or transparent material such as plexiglass, glass, polycarbonate, or another type of translucent or transparent material.

Even given the teachings of Richards, it would not have been obvious to a person of ordinary skill in the art to create Applicants light source, as Applicants' light source constitutes more than the mere adaption of the light source in Casas' chain saw onto a brake release handle described by Overy. Casase may very well include a translucent cover, as taught by Richards, but there remains no teaching or suggestion to internalize such a light within a brake release handle.

Regarding claims 43-44 and 46, these claims depend from Claim 41 and are allowable for the reasons provided above for that claim.

The Examiner has taken Official Notice that the use of reversible cover for a light source is well known in the art. However, the Casas light source, even if combined with Richards, does not provide any teaching that the brake release handle itself be reengineered, as opposed to the approach adopted by Casas of attaching a light externally to a tool such as a chainsaw.

Regarding claims 47, 48, and 50, they all depend in some fashion from Claim 41, and are allowable for the reasons provided above for that claim.

Casas does not in any way teach or suggest that a plate be located within the brake release handle, or is attached to an interior surface of the rear wall. Richards does not

provide a handle with a front and rear wall, but a sensor device with a light source 30 that pushes through a plate 56 internal to the sensor device.

Nothing in any of the disclosures teaches or suggests the securing of a light source inside a brake release handle of any sort of device, mechanism or tool. The choice of light source and securement means is important in a tool like a chain saw, particularly when reengineering, as Applicants have, to locate the light source inside the brake release handle, and are that can receive significant jarring and vibrations.

Regarding Claims 54 and 55, they each depend in some fashion from Claim 41, and should be allowable for the reasons set forth above for Claim 41.

For all of the above reasons, the rejections of Claims 41, 43-44, 46-51, and 54-55 under 35 U.S.C. 103(a) over Casas, in view of Overy, and further in view of Richards should be withdrawn.

Rejections of Claims 52 and 53 under 35 U.S.C. 103(a)

Claims 52 and 53 stand rejected over Casas in view of Overy and Richards, as applied to claim 49, and further view of Kopras et al. (6,443,675), hereinafter Kopras.

Regarding claims 52 and 53, Kopras is cited as teaching a hand-held cutting tool 20 including a light source 130 for illuminating the front area of the cutting tool, and that the light source includes two or more light emitting diodes.

Applicant notes that Claims 54 and 55 each depend in some fashion from Claim 41, and should be allowable for the reasons set forth above for Claim 41.

Further, there is no teaching in Kopras to suggesting embedding any light source inside a motor chain saw brake release handle, let alone two or more light emitting diodes.

For all of the above reasons, the rejections of Claims 52-53 under 35 U.S.C. 103(a) over Casas in view of Overy and Richards, as applied to claim 49, and further view of Kopras, should be withdrawn.

Conclusion

In light of the above remarks, Applicant believes that the application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes that the response is being filed before the necessity of any extensions of time, but if Applicant is mistaken, any required fees are requested to be charged to deposit account 50-1577.

If the Examiner has any questions regarding this communication, he is invited to contact the undersigned at (916) 930-2585.

Respectfully submitted,

By:

  
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